

### **REMARKS/ARGUMENTS**

Claims 12-22 are pending. Claims 13 and 20-22 are amended. The basis for the amendment to claim 13 can be found, for example, at page 7, lines 6-16. The basis for the amendment to claim 22 can be found, for example, at page 8, line 25 to page 10, line 25. Claims 20 and 21 are amended to improve clarity.

The Office Action alleges that the title is overly broad compared to the pending claims. This rejection is believed to be moot in view of the amendment presented herein.

The Office Action instructs applicants to submit an abstract on a separate sheet. Such an abstract is submitted herewith.

Claims 12-19 and 22 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement. In particular, the Office Action alleges that the rejected claims include species that lack some nucleobase moiety or nucleobase-binding moiety therein (page 2-3 of the Office Action). Claims 22 is amended to recite that “at least one of  $L^1$ - $L^n$  is a naturally occurring nucleobase, non-naturally occurring nucleobase, or nucleobase-binding group”. In view of this amendment, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 12-22 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to particularly point out and distinctly claims the recited inventions. The Office Action objects to the inclusion of “H” in the definition of R’. The amendment is obviated by the amendment to claim 13. The Office Action also alleges that the use of the phrase “L being said base” in claims 20-22 is unclear. The instant amendments are believed to obviate the rejection without altering the scope of the claims.

Finally, the Office Action provisionally rejects claims 12-22 as allegedly obvious under the doctrine of obviousness-type double patenting in view of claims 12-19, 23, 24, and 26 of copending application No. 08/612,661. Applicants respectfully traverse the rejection. The claims as ultimately allowed may be of such a scope that the provisional double patenting rejection may be moot. Due

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**Application No.: 09/142,326**  
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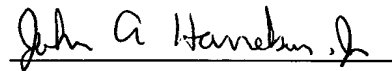
**PATENT**

to the provisional nature of this rejection, applicant will address the same when there is an indication of otherwise allowable subject matter.

Applicants believe the foregoing constitutes a complete response to the Office Action and submit that all pending claims are in condition for ready allowance. An early Office Action to that effect is, therefore, earnestly solicited.

Respectfully submitted,

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**Abstract**

The invention concerns compositions comprising a nucleic acid mimic. The compositions may be used in the diagnosis and treatment of diseases amenable through modulation of nucleic acids which encode proteins that are implicated in disease states. In accordance with preferred embodiments, mimics are comprised of non-naturally occurring backbones to which are appended modified heterocyclic bases. Such bases preferably have sterically bulky substituents 1, 2, or 3 atoms removed from the sites of attachment to the backbone.